PENGAD 800-631-6989
AQD EXHIBIT
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[Direct Testimony for Hearing regarding 20.11.3 NMAC, *Transportation Conformity*]

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Caption

Thank you Chairman Deichman, and members of the Board. My name is Neal Butt. I am an Environmental Health Scientist with the Air Quality Division, Control Strategies Section. I am here

IN THE MATTER OF THE PETITION TO AMEND 20.11.3 NMAC, *TRANSPORTATION CONFORMITY,* AND INCORPORATE SAID AMENDMENTS INTO THE NEW MEXICO STATE IMPLEMENTATION PLAN FOR AIR QUALITY(SIP)

AQCB Petition No. 2010-2

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What is Transportation Conformity?

Transportation conformity is a Clean Air Act (CAA) requirement that ensures that federally-funded highway and transit projects "conform to" the state air quality implementation plan or "SIP". Conformity ensures that public health is protected by requiring early consideration of the air quality impacts of transportation decisions in places where air quality does not currently meet federal standards or has not met them in the past.

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Reason for Proposed Amendments to 20.11.3 NMAC, Transportation Conformity

On March 24, 2010, the EPA promulgated changes to the transportation conformity rule which became effective on April 23, 2010 [FR Vol. 75, No. 56, 14260-14285]. These changes primarily affect PM_{10} and $PM_{2.5}$ nonattainment and maintenance areas. PM_{10} is measure of particles in the atmosphere with an aerodynamic diameter of less than or equal to a nominal 10 micrometers, while $PM_{2.5}$ is a measure of particles in the air smaller than 2.5 micrometers. In response, and as required by EPA, the Air Quality Division, of the City of Albuquerque Environmental Health Department is proposing amendments to update the local conformity regulation so that it is consistent with the federal rule.

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Changes to Transportation Conformity

EPA's rule changes:

- Provide clear guidance on how to implement transportation conformity under the currently effective 2006 $PM_{2.5}$ National Ambient Air Quality Standard (NAAQS) to ensure that transportation planning and air quality planning are coordinated and that air quality is protected. Conformity will apply in 2006 $PM_{2.5}$ nonattainment areas for this NAAQS on December 14, 2010, based on the one-year grace period for newly designated areas in the Clean Air Act (CAA) and the transportation conformity rule;

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- Includes the requirements for demonstrating conformity for the 2006 $PM_{2.5}$ NAAQS, including the regional emissions test(s) that would apply before and after SIP motor vehicle emissions budgets are established for the revised NAAQS;

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- Updates the baseline year for the interim emissions test to calendar year 2008 in 2006 $PM_{2.5}$ nonattainment areas;

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- Clarifies which budgets PM_{10} nonattainment and maintenance areas would use for transportation conformity determinations, now that the annual PM_{10} standard has been revoked;

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- Clarifies that federally funded or approved highway and transit projects in $PM_{2.5}$, PM_{10} and Carbon Monoxide (CO) nonattainment and maintenance areas must not delay timely attainment or achievement of other interim milestones. Bernalillo County is in attainment for $PM_{2.5}$ and PM_{10}, and is in attainment under a Maintenance Plan for CO.

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- Improves the health and environmental benefits of the existing transportation conformity program by requiring new $PM_{2.5}$ nonattainment areas and existing PM_{10} nonattainment and maintenance areas to use conformity tests that ensure that air quality is protected in areas that need to attain or maintain federal air quality standards; and

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- The final rule also clarifies that hot-spot analyses are performed in a manner consistent with the CAA public health and environmental requirements.

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Request

This hearing has been legally noticed as shown by AQD Exhibit 2a, 2b, adn 2c. There have not been any negative comments received regarding these proposed amendments.

Therefore, The Environmental Health Department of the City of Albuquerque, by and through the Air Quality Division (AQD), asks the Albuquerque-Bernalillo County Air Quality Control Board (Air Board) to adopt amendments to 20.11.3 NMAC, *Transportation Conformity,* as shown in AQD Exhibit # 1a and as amended by Staff Proposed Floor Amendments, shown as AQD Exhibit # 6, and submit said amendments to U.S. Environmental Protection Agency (EPA) as a revision to the SIP.

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Questions

That concludes my presentation, and I would like to have exhibits 1 through 8 moved into the record. [so moved]. I stand for questions